

T H E
C A S E
O F
RICHARD THOMAS,
BOOKSELLER,
BRIGHTHELMSTON.

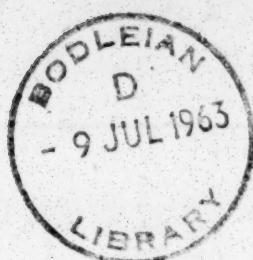
————— “ Good Name in Man and Woman
Is the immediate Jewel of their Souls.
Who steals my Purse, steals Trash: 'tis something, no-
thing——
'Twas mine—'tis his, and has been Slave to 'Thousands :
But he that filches from me my good Name,
Robs me of that which not enriches him,
And makes me poor indeed.”

SHAKESPEARE.

L O N D O N :

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*To the Nobility and Gentry, resorting to, and
resident in the Town and Neighbourhood of
Brighthelmston, and its respective Inha-
bitants.*

HAD not my enemies availed themselves
of my misfortunes, to traduce my cha-
racter with the most atrocious calumny, in or-
der to conceal, or at least apologize for a sys-
tem of conduct, whose object seems to have
been my immediate destruction, and their own
prospective advantage, I should never have
thought it necessary to have made this public
appeal to those friends, whose good opinion it
is as much my desire to merit, as I consider it
is my interest to deserve. I have, therefore,
to beg my friends will pardon my requesting
their patient and candid perusal of a plain and
simple statement of facts, which will, here-
after, be corroborated by the most undeniable
and unequivocal evidence, when those causes
are

are determined by law, which I have commenced against certain persons,* whom, I trust, will appear those to whom I am indebted for the greatest part of my pecuniary and mental distresses. Having no other dependance for the future support of myself and four children, than the good opinion of my former and present friends, the necessity of obliterating every false and malicious prejudice against my character, I hope will be a sufficient apology for the publication of the following Narrative.

I married Lydia Bedford, a daughter of Mr. Bedford, of Eton, April 6th, 1774, and lived in great credit for nine years as a Book-feller, at Brighthelmston. During this period, Mrs. Thomas and myself lived in the most perfect state of conjugal felicity, and had six children, of whom four are now living.

In the year 1781, I took charge of the Post Office at this town. From a train of unfortunate circumstances,—a too great confidence in my wife's management,—and an unlimited indulgence of extravagances, relative to her household and personal expences, whose enormity my affection did not permit me then to perceive, I found myself so much embarrassed with pressing demands, that, with the advice of my friends, I sought a temporary refuge at Dieppe in Normandy, where I arrived April 20th, 1783. I left Mrs. T. to
carry

* One of these persons is Colonel John Bayard, whom I now hold to bail for £300. damages. The other is Mr. James Bailey, whose prosecution is mentioned in the course of this Case.

carry on the business, which I flattered myself, with her prudence and management, would have enabled her, in a short time, to have settled my affairs, which I had entrusted to her care for that purpose, as well as for the preservation of my trade, and maintenance of myself and family. An extent being taken out by the crown against my effects,* for a debt due to the Post-Office, an inventory and appraisement were made of my property, which was returned by the Sheriff of the county, to amount to £313.† In order to redeem these effects from this extent of the Sheriff, Mrs. T. went immediately to town, where she applied to several of my friends for assistance. Among these friends, was Richard Atkinson, Esq; who lent her, on my credit and account, £100. Miss Frances Howell also lent her another £100, equally on my account, and for my accommodation. Mrs. T. having, beside, £13. was deficient of the sum necessary for the redemption of my effects, from the custody of the Sheriff, £100. She, therefore, applied to Mr. James Bailey, who advanced it on condition that he should have proper security.—Being possessed of the whole sum necessary for dis-

* Among these effects were included two leases of two premises, viz.—One on the Steyne, Rent £70.
 — in the East-street, 63.

£133.

† Stock, £303.
 Leases, 10.

£310.

discharging the extent, she applied to the Solicitor of the Post-Office, who informed her, that, as he understood I was indebted to other creditors nearly the same sum, it would be proper to assign over the effects to a confidential friend, otherwise they might be seized by those creditors, as soon as they were apprized of their being out of the Sheriff's power, by the discharge of the extent, which he had brought against them. Agreeable to this advice, and in order to satisfy Mr. Bailey, by giving him that security which he expected for the loan of the £100. Mrs. T. agreed, without my knowledge or consent, that the Sheriff might assign them over to Mr. B. which was done, on the 30th of May, 1783.—Mrs. T. under this sanction and security, returned to Brighthelmston, and re-commenced the business in my name as formerly, when she was countenanced and supported by the encouragement of my friends and customers, during great part of the Summer.*

On

* It being now asserted by James Bailey, as an excuse for his taking possession of my shop, effects, and trade, that he at *first* made the purchase by advancing the whole sum to the Sheriff, and carried on the business on his own account; it is necessary to mention, that the catalogue was printed, and the whole trade carried on in my name, during the last Summer. My name also remained over the door until the 5th, and on a board at the end of the shop it also remained until the 10th of June, 1784.—The books of the Circulating Library, with my name in them, were let out to Subscribers 'till or near the end of June, 1784. The shop was opened the 4th of June.

Previous to the execution of this assignment, Mrs. T. gave James Bailey not only the £200. which she had borrowed

On the 16th of June following, Mrs. T. came in the packet to me at Dieppe, where she remained until the 26th of the same month, when she returned to Brighthelmston, and continued the business for two months afterwards with every care and attention, for the welfare and advantage of herself, me, and her family. But near the end of August, a Colonel John Bayard, an entire stranger to me, who was then a visitant at Brighthelmston, found means to alienate her attentions from her family and her business, and indeed, her affections for me, who was then suffering more poignancy of distress, from being absent from a wife whom I loved with the most ardent affection, than I did from my pecuniary misfortunes. But, however, notwithstanding this fatal connection, to the peace, welfare, and happy existence of me and my family, Mrs. T. still continued the business until the 10th of November; she then left the shop, shut up, to the care of a female servant, and resigned herself entirely to the company of her new companion, with whom she went visiting different parts of the country. It is on these journeys, I presume great part of the money was spent,

rowed of Miss Howell and Mr. Atkinson, but also £13. which she had of ready money in her own possession.—The necessity of mentioning this circumstance arises from James Bailey declaring, that he advanced the whole sum of £313. which he paid to the Sheriff on the receipt of the assignment of my effects, lest they should, otherwise, have been seized by the rest of my creditors. It, therefore, is evident, he only advanced on his own account of this sum £100,

spent, which I can prove she received, and with which she should have endeavoured to have discharged as much of my debts as the sum would have paid.

It may be proper here to mention that Mrs. T. continued to write to me with her usual love and tenderness, for some little time after she left Dieppe. But whether she had any improper or dishonourable acquaintance during this time, I cannot with certainty declare. If she had, it is not yet arrived to my knowledge. For what I have stated, and shall state, are such facts, as I have so great conviction of, that I can, with the greatest satisfaction, make an affidavit of their truth and authenticity.

August 26, 1783, Frances Bedford, a sister of Mrs. T. came with my eldest daughter, to see me at Dieppe, where they remained near five weeks. She gave me the most favourable accounts of my wife's situation, conduct, and management, and also of the favourable prospect of my affairs at Brighthelmston being very soon settled to the satisfaction of my creditors, and my happy return to my wife, family, and business. This account proved a most agreeable solace to the distracted state of my mind; and had Mrs. T. continued this care and attention to the distressed situation of herself and family, I have not the least doubt but I should very soon have been re-instated in my business, and my family have been, thus preserved from its present ruined and distracted state. But her conduct being on the contrary, become notoriously abandoned to her illicit attachment, my friend Miss Frances Howell,
to

to whom I had been indebted for the pecuniary assistance before-mentioned, about the end of October was impatient to secure her property from the impending destruction, which was too perceptibly threatening the whole of my affairs and family. She, therefore, immediately demanded payment of the sum she had advanced towards discharging the extent.

James Bailey, without my knowledge, paid her, and also £100. more to Mr. Robert Bedford, to whom I owed this sum. I have since learnt, that he received, in particular on the 3d of November, 1783, the rent of two premises, amounting to £55. having given his receipt for it. This money he paid to Mrs. T. without my knowledge or concurrence also. The other sum of about £18. for the rent of a shop, was received in June, 1783.

Finding myself entirely neglected and abandoned in France, to distress and poverty, I wrote several letters, requiring a remittance of some money for my support. But after remaining several months without receiving any answer from Mrs. T. or any communication of intelligence respecting my affairs at Bright-helmston, I left France on Sunday, January 25, 1784, and came to England, where I landed the next night, at 12 o'clock. Going immediately to a confidential friend, I was informed that Mrs. T. had left my house and shop on Monday the 10th of November, 1783, and that she had been at London, Newmarket, and other places, in company, as was supposed, with the before-mentioned Col. John Bayard. On the Tuesday, January 27, 1784, I went to London

London in search of my wife, but, being disappointed of finding her as expected, in town, I, the next day went in the Windsor stage to Eton, where I found Mrs. T. and her four children at her father's house. Having remained here four days, I left her and children, and came to town in order to obtain such a state of my affairs from Mr. Bailey, who had had for some time their direction, as I might with some precision form an idea of my true situation, so as to make proposals of some kind, that might appease the alarm and anxiety of my creditors. Mrs. T. endeavoured as much as possible to dissuade me from calling on Mr. Bailey. What were her fears on this occasion, her own guilt can best determine. For I could see no other person to apply to, for a true state of my situation, than he, who had had its management. I therefore waited upon James Bailey, and requested from him a *true* and *particular* account of what he had received and expended in and for my business since it had been committed to his trust and confidence. But this satisfaction I could not obtain. He told me that having advanced *certain* sums of money, he should retain the assignment of my effects, including the two leases, as his security, until the principal was paid with interest. But whatever are the sums he pretends to have advanced on my account, he did not discharge the debt due to Mr. Atkinson; for there still remains ~~the~~ *they* ~~due~~ *owed* towards discharging the extent of the Post Office unpaid. Having obtained no *satisfactory* account from Mr. Bailey, I summoned my creditors together in London.

London, and laid before them a state of my affairs, and found my debts to be upwards of £800. For, instead of Mr. Bailey taking and conducting the business on his own account, I find my stationer's bill, with other goods which were bought on *my* account, increased to upwards of £100. more than when I left Brighthelmston. It is, therefore, very evident, the business was carried on for me, and in my name only, however Mr. Bailey may be inclined to avail himself of the advantage of the assignment which was trusted to him in confidence, for the preservation of my effects. When Mr. Bailey first accommodated me with the £100. towards discharging the extent, I had every reason to suppose it was done purely for my service and accommodation. But from circumstances, which must necessarily be hereafter disclosed, of his knowledge and connivance with the illicit conduct of Mrs. T. and Col. John Bayard, I am now clearly of opinion, that he has long since adopted a fixed and firm resolution to oppose every legal measure I may have recourse for the purpose of enforcing a restitution of my property on such fair and equitable terms, as by the nature of the transaction I could offer him.—This must evidently appear from what has since occurred.

Mr. Bailey having agreed that I should have possession of my shop, trade and effects, on paying him interest for his money, I then stated to my creditors the prospect I had of paying this interest, maintaining myself and family, and paying five shillings in the pound of the four hundred pounds owing them.

My

My creditors approving of this method of settlement, closed the meeting, depending that I should be immediately possessed of my house and business again; but on my applying to Mr. Bailey repeated times for the fulfilling of his promise, I found that he had altered his intentions. I then asked him what other propositions he had to make, desiring that he would commit his terms to paper, in order to prevent any further prevarication about a business which I wished to have settled with every justice to him as well as to myself and family: he, however, refused to propose any terms except such as I might receive by waiting on his attorney; I therefore called upon my attorney who accompanied me to his, for the purpose of hearing what he had to propose; but, to our great astonishment, his attorney, at first, absolutely refused to treat with me upon the business. However, after Mr. Wilby, my attorney, remonstrated with him on the impropriety of this behaviour, Mr. Willey, his attorney, said, that as Mr. Bailey considered himself a purchaser of the leasehold premises, effects, &c. &c. specified in the assignment, Mr. Bailey would give me possession, if I would give him sufficient security for the whole property which he now holds of mine by virtue of this assignment: but, further, that I should pay him £50. as rent for this present year 1784, and that Mr. Bailey should reserve to himself the privilege of resuming the premises, or continuing them in my possession as he should think, at the end of the season, most proper or convenient. I was, beside,

beside, to have no power, authority, or interest in any of the other premises. Finding, therefore, that Mr. Bailey denied his receiving the assignment of my effects in *trust*, and concluding, consequently, it was for the purpose merely of taking every advantage of my situation, which, he thought the nature of these circumstances might permit, I refused to listen any longer to the arbitrary terms proposed by Mr. Willey in behalf of his client, Mr. Bailey.—Mr. Wilby, my attorney, wrote the following letter agreeable to my desire.

“ S I R,

“ **A**T the request of Mr. Richard Thomas, I apply to you for an account in writing of your demands upon him for monies actually advanced by you on your taking from the Sheriff of Suffex, in your name, in trust for him, the assignment of the two leases of the houses and premises belonging to him, at Brighthelmston, and his property there, and of the interest of those monies and all expences necessarily incurred on that occasion; as I am instructed by Mr. Thomas to inform you, that it is his intention shortly to discharge what is justly due to you, and to take an assignment of those leases and all his property in your possession, agreeable to the intention of him and you at the time the transaction took place. I hope, therefore, you will not fail to favour me with such account in the course of two or three days, as the sooner this business is put in a channel

channel for settlement, the better it must be for Mr. Thomas as well as yourself.

I am, Sir,

Your humble Servant,

BEN. WILBY."

No. 34, *Berwick-Street, Soho,*
6th of *April, 1784.*

Addressed to *Mr. Bailey, Portland-Street, Soho.*

Mr. Bailey thought not proper to answer the above letter, but Mr. Wilby received the following answer from Mr. Bailey's attorney, Mr. Willey.

"SIR,

"YOUR letter to Mr. Bailey is now before me; you seem to me to have entirely mistaken this matter. Mr. Bailey is not a Trustee, but a Purchaser. As such, he will not agree to any other terms than those he has already offered. If these are not acceded to within one week, he will consider all treaty at an end, and act accordingly.

I am, Sir,

Your most humble Servant,

W. WILLEY."

No. 17, *Basinghall-Street,*
9th of *April, 1784.*

Addressed to *Mr. Wilby, Attorney at Law,*
No. 34, Berwick-Street, Soho.

After

Afterwards, Mr. Wilby wrote a letter to said Mr. Willey, as follows :

“ SIR,

“ I Received your letter in answer to mine to Mr. Bailey, and, by the direction of Mr. Thomas, am to acquaint you, that he expects Mr. Bailey to comply with the request of my letter to him, as to the delivery of the account required by it to be delivered; and as he doubts not he shall be able to prove Mr. Bailey to have interfered in the business merely as a Trustee, as I have already intimated, it is Mr. Thomas's intention (if such account be not forthwith delivered) to file a Bill in Equity against him, to recover the relief to which the nature of the case entitles him, I have this day written to Mr. Bailey a letter to this effect, because I conceived it necessary to give him, as well as you, notice of Mr. Thomas's intention in this particular.

I am, Sir,

Your very humble Servant,

BEN. WILBY.”

No. 34, *Berwick-Street, Soho,*

31st of April, 1784.

*Addressed to Mr. Willey, Attorney at Law,
No. 17, Basinghall-Street.*

On the same day Mr. Wilby wrote to Mr. Bailey to the same purport as he did to Mr. Willey, considering it proper, as a foundation
for

for a Bill in equity, to make such applications as were necessary to require him to do what the circumstances of the transaction required.

To these two letters, neither Mr. Wilby nor myself have received any answer: but Mr. Bailey has since thought proper to open my shop and carry on the business in his own name and for his own emolument, by holding me at every defiance to which his injustice and temerity excite and encourage him.

The leases, stock in trade, and effects, taken by the extent, and afterwards assigned to Mr. Bailey, though valued at only £313. by the Sheriff, and to Mr. Bailey, can be proved to be of much greater value.* They are supposed to be worth at least £600. If, therefore, Mr. Bailey is justified in retaining their possession, I shall receive, not only an absolute loss of between £200. and £300. but a much greater, that of the advantages arising from the sale of my own stock, and the continuance of an established profitable trade.

It can be fully proved, that Mr. Bailey has made several declarations, that the said assignments were executed to him on trust, and for the purpose before suggested.

Having waited, in vain, such a time as was sufficiently necessary for Mr. Bailey to answer my attorney's letters, either by his attorney or himself, had he been inclined to have settled our difference on fair and equitable terms, I
thought

* In consequence of many sorts of goods being afterwards sent into the shop, by being left or bought during the season 1784.

thought it proper to lay a fair state of the facts between us, before an eminent counsel, for his opinion, and directions for a proper mode of procedure for redress. Although I was sufficiently convinced of the justice of my own cause and intentions, I was yet desirous of having my opinion strengthened by that, as above observed, of the most eminent in the profession. In consequence, my case was drawn, and counsel's opinion given, which is so favorable, that it has afforded the greatest degree of confidence of my success, should Mr. Bailey have the temerity to hazard a hearing. I have implicitly adhered to the opinion and directions of my counsel, by filing a bill in equity against Mr. Bailey, to compel him to return my property, and the possession of my premises; and also arresting him for the *surplus* of the property which he withholds from me that is not contained in the assignment.—But I mean not to anticipate to the public the tedious forms which must necessarily be adopted, if I am to wait the event of a suit, which I know will be opposed with every possible resistance that is in the defendant's power. I must, therefore, beg leave to assure the public, that in the manner as above related, Mr. Bailey obtained the possession of my trade and property; so that I must importune my friends and the public at large, to suspend their judgments upon the facts which I know have been so illiberally and unjustly stated against my character, conduct, and circumstances, especially those of my not being in my house and business as usual, and Mr.
Bailey

Bailey appearing there and carrying on the business on his own account. For they may be assured, if there be a possibility of my being relieved by equity, every endeavour and expence shall be used to effect my re-instatement in my house and business, when I trust I shall be found deserving of the continuance of the favours I have so liberally received from them during my long continuance in the business, before the arrival of my misfortunes. As the good opinion of my friends have been always the first object of my desires and actions, it is with this view I have published my narration, and with this hope I subscribe myself,

Their most obliged,

And very obedient humble servant,

BRIGHTHELMSTON,

Aug. 5th, 1784.

R. Thomas



F I N I S.

